




# **Ethics Question #1**

**Can you teach a course on a topic related to  
your official duties and take an  
honorarium?**

**Answers  
Underneath -  
Please Lift**



# **Ethics Answer #1**

**You can perform this activity either as official duty or as an outside activity as long as the course requires multiple presentations and is offered as part of the regularly established curriculum of an institution of higher education, or the program of education or training is sponsored and funded by the Federal, State or local government under certain conditions. If done as official duty, no honorarium may be accepted and annual leave must be taken.**



# **Ethics Question #2**

**Can you conduct an Outside Activity as a collaborator on a grant application with the University of Maryland when someone asks you to consult?**




## **Ethics Answer #2**

**No. You cannot have an Outside Activity with an organization with which you already have an Official Duty activity since this would be a conflict of interest. Although waivers are theoretically possible, it is NIH policy that waivers to conduct an Outside Activity like are not routinely granted.**



# **Ethics Question #3**


**Can you participate as an Official Duty activity in the business affairs of an outside organization (such as a scientific society) which has no official relationship with NIH, including dealing with personnel actions, financial management or fund raising activities?**





# **Ethics Answer #3**

**No. An activity of this type involves a fiduciary relationship to the outside organization. Such an activity means your allegiance is to the outside organization and therefore cannot be performed on official time. It can be either paid or unpaid, but must still be performed outside your regular tour of duty, and away from your government office.**



# **Ethics Question #4**

**You are asked to participate on a panel put together by the Univ. of North Carolina to discuss developments in gene therapy as a result of your expertise and experience that you gained before you came to NIH. Can your official title be used on the membership roster for the panel?**


# **Ethics Answer #4**

**No. An employee cannot reference nor permit the use of his or her title or position in connection with any outside activity or employment. The title or position may be included if it is one of several biographical details used to introduce the employee at the outside activity and is given no more prominence than other significant biographical details.**



# **Ethics Question #5**

**You wrote a paper based on research that you did before coming to the NIH. It will be published in JAMA. Can your official NIH title be used in the article?**




# **Ethics Answer #5**

**Yes, provided that the article also contains a disclaimer, in concurrence with the NIH, indicating that the paper is the result of your independent research and does not represent the views of the NIH, DHHS, or the federal government.**



# **Ethics Question #6**

- 1. An outside institution has asked you to provide advice as they write a grant or contract proposal which will be submitted to an agency within the DHHS. Can you do this as an Official Duty activity?**
  - 2. What if the application or proposal were being written for submission to an agency outside of DHHS?**
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# **Ethics Answer #6**

- 1. This activity may be done only as an Official Duty activity when an employee's responsibilities include assisting potential grantees/contractors in the preparation of their applications or contract proposals.**
- 2. In this case either may be correct. Official Duty could be correct if the supervisor considered the topic to be appropriate to your official responsibilities. An Outside Activity might be permissible (including for compensation) as long as no representational activities were performed (such as requesting funds from the funding agency).**



# **Ethics Question #7**

**My lab technician and I get along well together and we have gotten into the habit of exchanging birthday gifts. Is this OK?**

# **Ethics Answer #7**

**No. Gifts within a work unit are governed by law.**

**For example, the following are prohibited:**

- **Giving or SOLICITING contributions for a gift to another federal employee**
- **Giving a DONATION for a gift to an official superior, even voluntarily**
- **ACCEPTING a gift from any employee who is receiving less pay than yourself**

**There are, however, some exceptions, including: gifts on infrequent occasions (marriage, illness, etc) and an occasion which terminates the subordinate-official superior relationship (retirement, transfer, etc.)**

**(See also Question #14 below)**



# **Ethics Question #8**

**You are asked by a foreign university to perform an activity for compensation. Can this be done as an Outside Activity or an Official Duty Activity?**



# **Ethics Answer #8**

**Either may be correct, depending on the topic and funding source of the foreign university. The U.S. Constitution prohibits a federal employee from engaging in concurrent employment with any foreign government, which includes any institutions or organization funded, supported or run by that foreign government, including foreign universities. Special circumstances may permit this as an Official Duty activity.**



# **Ethics Question #9**

**Can you accept an award from an outside organization?**

# **Ethics Answer #9**

**It is the NIH policy that employees be permitted to accept awards, both monetary and nonmonetary. All awards, however, must be approved in advance by the Deputy Ethics Counselor and a cash award requires a written determination by the DEC that the award is made as part of an established program of recognition. Some awards may not be accepted from foreign governments.**



# **Ethics Question #10**

**During lunchtime you use your cell phone to call a radio station that is giving away free concert tickets to your favorite group. Is this action proper?**



# **Ethics Answer #10**

**Yes, as long as you use your personal cell phone and call during the lunch hour. If, however, you used the office phone or called during working hours, it would violate the prohibition on using government property (the telephone) for personal gain.**



# **Ethics Question #11**

**It's April 15, and you just finished your tax return the night before and need to make a copy of it before sending it to the Internal Revenue Service. The office copier is convenient and you only want to make one copy. It is proper to do so?**

# **Ethics Answer #11**

**The answer is a qualified yes. Ordinarily the prohibitions on use of government property would apply, but the NIH permits its employees to use office equipment and facilities for personal reasons as long as it is minimal and of negligible expense. This also applies to limited phone calls to locations within the local commuting area or that are charged to non-governmental accounts (such as 800 numbers). Employees must not abuse this privilege.**




# **Ethics Question #12**

**You learn that an NIH Institute is about to award a major contract to a small biotech company. You realize that this has the potential for significant growth and call your broker to purchase stock. Is this an appropriate action?**



# **Ethics Answer #12**

**No. This would be considered “insider trading” and you would be using your public office for private gain. This would also be using non-public information and be in direct conflict with the Standards of Conduct. This action could also result in an investigation by the Securities and Exchange Commission.**





# **Ethics Question #13**

**You own 100 shares of stock in a pharmaceutical company. You are asked to participate in a clinical study involving a drug produced by this company. Do you have to sell this stock?**

# **Ethics Answer #13**

**It is a general principle that you may not own stock in a company that is producing a drug on which you do research unless the amount is small (less than \$15,000). In addition, you may not supervise anyone doing research on that drug or drugs of the company's competitors. In the case of large stock holdings you may be asked to divest yourself of those stocks.**



# **Ethics Question #14**

**A vendor invites you to come to his facility to look at a piece of equipment that you are considering for purchase. He offers you coffee, donuts and a T-shirt during the visit. Can you accept these gifts?**

# **Ethics Answer #14**

**In general, gifts cannot be accepted by government employees. Excluded from this prohibition, however, are modest items or food and refreshments and items of little intrinsic value. An employee may accept unsolicited gifts having an aggregate value of \$20 or less per occasion, provided that the market value of all gifts received from that person during the year does not exceed \$50.00.**

# **Ethics Question #15**

**You have been asked to give a lecture as an outside activity with the Moscow State University, including an honorarium and all travel expenses to Russia. Can you accept it?**

**What about a similar outside activity with the University of Berne in Switzerland?**

# **Ethics Answer #15**

**An employee of the federal government may not accept employment, gifts or compensation for any foreign government, including any entity which is owned or operated by the foreign government. Moscow State University, although it receives funding from the government, has been determined to be independent, so the activity is permissible. The Univ. of Berne is considered to be part of the government and thus the activity is not permissible.**